IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION No. 4:07-CV-81-D(3)

NELSON BRIDGEMAN,)	
Plaintiff,)	
v.)	ORDER
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
Defendant.)	

On March 14, 2008, Magistrate Judge Webb issued a Memorandum and Recommendation ("M&R"). In that M&R, Judge Webb recommended that plaintiff's motion for judgment on the pleadings be denied in part and granted in part, that the defendant's motion for judgment on the pleadings be denied without prejudice, and that the action be remanded to the Commissioner. Neither party objected to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (quotation omitted, emphasis removed, and alteration in original). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Id.</u> (quotation omitted).

The court has reviewed the record and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court accepts the M&R. Plaintiff's motion for

judgment on the pleadings is DENIED IN PART AND GRANTED IN PART, defendant's motion for judgment on the pleadings is DENIED without prejudice, and the action is REMANDED to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

SO ORDERED. This 21 day of April 2008.

United States District Judge